

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Robert A. Kunshier,

File No. 18-cv-03316 (ECT/TNL)

Plaintiff,

v.

Nicole Boder, *Health Services
Administrator, Moose Lake Site of the
Minnesota Sex Offender Program*; Kari
Ovsak, *Nurse Practitioner, Health Services
Department, at Moose Lake Site of the
Minnesota Sex Offender Program*,

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Defendants.

The Court has received the May 10, 2019 Report and Recommendation of United States Magistrate Judge Tony N. Leung. ECF No. 32. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 32] is **ACCEPTED**;
2. Defendants' Motion to Dismiss Plaintiff's Complaint [ECF No. 13] is

GRANTED as follows:

- a. Plaintiff's claims for monetary relief against Defendants in their official capacity are **DISMISSED WITH PREJUDICE**.

b. Plaintiff's remaining claims against Defendants are **DISMISSED WITHOUT PREJUDICE** with leave to file an amended complaint, as described below.

3. Plaintiff shall have 30 days from the date of this Order to file and serve an amended complaint in this matter. A failure to comply may result in dismissal of this action without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

4. Plaintiff's Motion Requesting Preliminary Injunction [ECF No. 6] is **DENIED** as **MOOT**.

Dated: June 4, 2019

s/ Eric C. Tostrud
Eric C. Tostrud
United States District Court